

Doc. No. **9352**
WOODBURY COUNTY, IOWA
Filed for Record

OCT 17 2003

Time 2:00 PM Fee \$ 31.00 Pd
PATRICK F. DILL, Auditor & Recorder
By [Signature] Designee

Prepared by: Michael D. Matejka, Attorney at Law, 13220 California Street, Suite 400, Omaha, NE 68154-5228 (402) 342-1000

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

MEMORANDUM OF LEASE

This Memorandum of Lease is made and entered into this 15TH day of October, 2003, by and between The Sioux City Community School District ("Landlord"), whose address is 1221 Pierce Street, Sioux City, Iowa 51105, and Castle on the Hill Limited Liability Company, an Iowa limited liability company ("Tenant"), whose address is 1025 Leavenworth Street, Omaha, Nebraska 68102.

1. The parties entered into a Lease dated July 15, 2003, whereby Landlord leased to Tenant the real estate, described on Exhibit "A" attached hereto (the "Leased Premises"), for a term beginning on the 1st day of July, 2003, and terminating on the 30th day of June, 2023, upon the condition that Tenant performs as provided in the Lease. Upon compliance with the terms and conditions of the Lease, the Tenant shall have the right to extend the term of the Lease for two (2) additional five (5) year terms.

2. As provided under the terms and conditions of the Lease, during the term of the Lease, Landlord retains a limited right to use the Leased Premises, together with the real property described on Exhibit "B" attached hereto, for parking.

3. No assignment or subletting by Tenant, either voluntary or by operation of law, shall be effective without the prior written consent of Landlord, which consent shall not be unreasonably withheld.

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LANDLORD:

THE SIOUX CITY COMMUNITY SCHOOL DISTRICT

By: Anne James
Anne James, President of the Board

By: Alexandra B. Sprague
Alexandra B. Sprague, Secretary of the Board

TENANT:

CASTLE ON THE HILL LIMITED LIABILITY COMPANY, an Iowa limited liability company

By: CASTLE ON THE HILL MANAGING MEMBER LLC, Managing Member

By: Tammy Barrett
Tammy Barrett, Manager

STATE OF IOWA)
) SS:
COUNTY OF WOODBURY)

On this 17th day of OCTOBER, 2003, before me, a notary public in and for said county, personally appeared Anne James to me personally known, who being by me duly sworn or affirmed did say that that person is President of the board of directors of The Sioux City Community School District and that said instrument was signed on behalf of the said District by authority of its board of directors and the said Anne James acknowledged the execution of said instrument to be the voluntary act and deed of said District by it voluntarily executed.

My commission expires:

12-12-06

Dan A Moore

Notary Public



STATE OF IOWA)
) SS:
COUNTY OF WOODBURY)

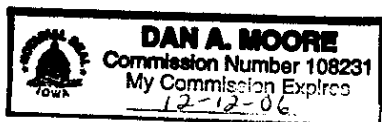
On this 17th day of OCTOBER, 2003, before me, a notary public in and for said county, personally appeared Alexandra B. Sprague, to me personally known, who being by me duly sworn or affirmed did say that that person is Secretary of the board of directors of The Sioux City Community School District and that said instrument was signed on behalf of the said District by authority of its board of directors and the said Alexandra B. Sprague, acknowledged the execution of said instrument to be the voluntary act and deed of said District by it voluntarily executed.

My commission expires:

12-12-06

Dan A Moore

Notary Public



STATE OF NEBRASKA

)

) SS:

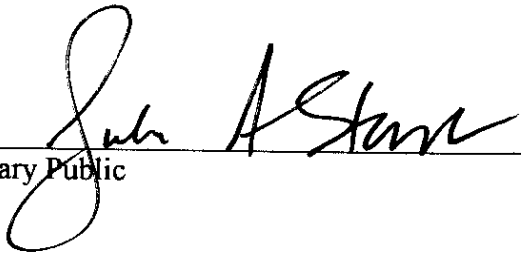
COUNTY OF DOUGLAS

)

On this 15 day of October, 2003, before me, a notary public in and for said county, personally appeared Tammy Barrett to me personally known, who being by me duly sworn or affirmed did say that that person is Manager of Castle on the Hill Managing Member LLC, the Managing Member of Castle on the Hill Limited Liability Company, and that said instrument was signed on behalf of the said limited liability company by authority of its Managing Member and the said Tammy Barrett acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.

My commission expires:

Sept 8, 2007


Notary Public



Return to:
Michael D. Matejka
Fitzgerald, Schorr, Barmettler
& Brennan, P.C., L.L.O.
13220 California Street, Suite 400
Omaha, NE 68154-5228

ROLL 618 IMAGE 1981

EXHIBIT "A"
LEGAL DESCRIPTION OF LEASED PREMISES

Vacated 12th Street abutting Block 69 Sioux City East Addition in the County of Woodbury, State of Iowa.

ROLL 618 IMAGE 1982

**EXHIBIT "B"
LEGAL DESCRIPTION OF PARKING LOT**

The West Eighty-Nine (89) feet of Lot Six (6) and the West Eighty-Nine (89) feet of the South One-Half (S ½) of Lot Five (5), Block Sixty-Eight (68), Sioux City East Addition to the City of Sioux City, Woodbury County, Iowa (Parcel C);

and

The East Sixty-One (61) feet of Lot (6) and the East Sixty-One (61) feet of the South One-Half (S ½) of Lot Five (5), Block Sixty-Eight (68), Sioux City East, an Addition to the City of Sioux City, Woodbury County, Iowa (Parcel D).